

December 20, 2019

BY ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *IBFS File Nos. SAT-PDR-20180910-00069 and SAT-PDR-20190328-00020*

Dear Ms. Dortch:

Myriota Pty Ltd. (“Myriota”) hereby responds to a recent *ex parte* submitted by Hiber Inc. (“Hiber”) calling for expeditious action on its market access request.¹ Like Hiber, Myriota filed an application months ago seeking U.S. market access for a non-voice, non-geostationary (“NVNG”) satellite system ideally suited to providing an abundance of Internet-of-Things services to rural and other underserved areas. Like Hiber, Myriota’s application has been accepted for filing and elicited no comments.² However, Hiber, Myriota, and two other applicants are currently engaged in an NGSO processing round that closed on October 15, 2019.³

In its *ex parte*, Hiber notes that it has had two coordination meetings with federal operators but does not indicate that it has reached a coordination agreement.⁴ By contrast, Hiber is completely silent with respect to efforts to coordinate with Myriota, with whom it must share NVNG spectrum. Two decades ago, the participants in a prior NVNG processing round devised a spectrum sharing plan, but the Commission has made clear that it does not expect or require new NVNG applicants “to be bound by the plan that in any case was intended to apply to a processing round closed more than 20 years ago.”⁵ Rather, the Commission has “recognized that allowing the applicants to develop a spectrum sharing plan would promote competition and a more efficient use of the spectrum.”⁶ Accordingly, it is now incumbent upon participants in the current processing round – including Hiber – to coordinate with each other.

The processing round closed only two months ago, and the coordination process will take some time to complete. Indeed, the recent World Radio Conference revised the international rules applicable to the 399.9-400.05 MHz uplink band, and applicants will need time to digest those revisions.⁷ Myriota has reached out to Hiber to engage in coordination but is awaiting an

¹ See Letter from Tony Lin to Marlene H. Dortch, IBFS File No. SAT-PDR-20180910-00069 (Dec. 11, 2019) (“Hiber Ex Parte”).

² See IBFS File No. SAT-PDR-20190328-00020.

³ See Public Notice, 34 FCC Rcd. 7185 (IB 2019).

⁴ See Hiber Ex Parte, Attachment at 6.

⁵ See *Swarm Technologies, Inc.*, DA 19-1044, ¶ 14 (IB, rel. Oct. 17, 2019).

⁶ *Id.* ¶ 13.

⁷ See WRC-19, Provisional Final Acts, ADD 5A12 and 5B12 (Sharm El-Sheikh 2019).

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opportunity for both parties to conduct necessary sharing studies together. In the absence of a spectrum sharing agreement, the Commission should not hastily grant any application in the ongoing processing round, as doing so could prejudice the rights of other participants in the round. Instead, the Commission should continue to encourage all NVNG applicants to work cooperatively to reach agreements for sharing the spectrum at issue. Doing so will enable the Commission to license multiple competing systems capable of making intensive use of valuable spectrum resources to provide an array of innovative services to Americans, especially those in rural and other underserved areas.

Sincerely,

A handwritten signature in blue ink that reads "William M. Wiltshire". The signature is fluid and cursive, with the first name being the most prominent.

William M. Wiltshire
Counsel to Myriota

cc: Jose Albuquerque
Stephen Duall
Tony Lin